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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Steven M. Cohn

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11/15/2006

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EXAMINER

THEIN, MARIA TERESA T

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,257

Applicant(s)

COHN ET AL.

Examiner

Marissa Thein

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4 and 6-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, and 6-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicants' "Amendment" filed on June 27, 2006 has been considered.

Applicants' response by virtue of amendment to claim 18 have overcome the Examiner's rejection of such claims under 35 USC 101.

Claim 18 is amended. Claims 1, 4, and 6-31 remain pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 10-14, 16-26, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,965,868 to Bednarck in view of U.S. Patent No. 6,141,666 to Tobin.

Regarding claims 7, 10-12, 14, and 16, Bednarck discloses an apparatus for connecting buyers and sellers of products and services comprising:

means for collecting, storing, and sharing requests for proposals, wherein said means for sharing requests for proposals allows said buyers and sellers to supply, access, and respond to said requests for proposals by distributing said requests for proposals to predefined subscribers based upon a hierarchical set of categories selected and assigned to said requests for proposals when said requests for proposals

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are created (col. 25, lines 52-58; col. 29, lines 33-39; col. 30, lines 10-24; col. 31, line 64 - col. 32, line 11; col. 68, lines 1-5);

means for geographic radius searching, wherein said means for geographic radius searching allows said buyers and sellers to search said requests for proposals within specified geographic boundaries and to share requests for proposals with one another (col. 23, lines 5-11; col. 26, lines 24-28).

However, Bednarck does not explicitly disclose means for partner web site branding. Bednarck does disclose co-branding and providing hardware and software features to promote the sponsor's business (col. 21, lines 65-67). Bednarck discloses a common brand model wherein the merchant benefit from association with the common brand and also benefit from the attraction of the content provided by the operator of the common brand (col. 82, lines 13-39) and a web host model wherein the merchant control the content of their own pages and can operate a vetail system independent of the system operator through these pages (col. 83, lines 43-57).

Tobin, on the other hand, teaches the means for partner web site branding; editing a private label interface web site; publishing modifications for the buyer and sellers; and generating co-branded web pages; a web server with software having encapsulating technologies; programming objects for controlling he encapsulation of branding; a template; navigating to a private labeled interface; clicking a registration hyperlink; building a profile of a company; categorizing the profile and creating an affiliation between the company and the private labeled interface (col. 3, lines 32-36; col. 7, lines 12-31; col. 9, lines 6-51; Figures 21A-21C).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to the apparatus of Bednarck, to include the means for partner web site branding; editing a private label interface web site; publishing modifications for the buyer and sellers; and generating co-branded web pages; a web server with software having encapsulating technologies; programming objects for controlling the encapsulation of branding; a template; navigating to a private labeled interface; clicking a registration hyperlink; building a profile of a company; categorizing the profile and creating an affiliation between the company and the private labeled interface, as taught by Tobin, in order to customized marketing of consumer services through hypertext based communications, wherein the hypertext based communications is dynamically customized to take advantage of a consumer's existing familiarity with a specific Internet site marketing partner (Tobin, col. 2, lines 50-55).

Claim 13, Bednarck discloses a data sharing engine for collecting, storing and controlling access to the request for proposals of the seller (col. 25, lines 52-58; col. 29, lines 33-39; col. 30, lines 10-24; col. 31, line 64 - col. 32, line 11); a subscription sales process (col. 32, lines 37-46; col. 68, lines 1-5); a request brokering engine (col. 14, lines 2-4; col. 21, lines 65-67); an object catalog manager (col. 37, lines 66-67; col. 38, lines 61-65; col. 43, lines 40-52; col. 84, lines 16-51); means for a catalog synchronization process for updating and synchronizing the statistical information maintained by said object catalog manager (col. 27, lines 59-62; col. 28, lines 17-44; col. 37, lines 52-62; col. 38, lines 61-65; col. 69, lines 16-43).

Regarding claims 17-18, Bednarck discloses a method for connecting buyers and sellers and a method for providing an online directory comprising; maintaining a comprehensive on-line directory of sellers (col. 21, lines 56-59; col. 26, lines 24-28); providing a request for proposal application (col. 25, lines 52-58; col. 29, lines 33-39; col. 30, lines 10-24); co-branding the request for proposal application (col. 21, lines 65-67; col. 82, lines 13-39; col. 83, lines 43-57); maintaining a searchable directory of sellers (col. 31, line 64 - col. 32, line 11; col. 64, lines 46-52); providing an e-commerce infrastructure (abstract); providing usage and revenue reports that detail usage (col. 38, lines 61-65; col. 84, lines 16-51).

However, Bednarck does not explicitly disclose the private-labeled web site of the buyer partner. Bednarck does disclose co-branding and providing hardware and software features to promote the sponsor's business (col. 21, lines 65-67). Bednarck discloses a common brand model wherein the merchant benefit from association with the common brand and also benefit from the attraction of the content provided by the operator of the common brand (col. 82, lines 13-39) and a web host model wherein the merchant control the content of their own pages and can operate a retail system independent of the system operator through these pages (col. 83, lines 43-57).

Tobin, on the other hand, teaches the private-labeled web site of the buyer partner (col. 3, lines 32-36; col. 7, lines 12-31; col. 9, lines 6-51; Figures 21A-21C).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to the apparatus of Bednarck, to include the private-labeled web site of the buyer partner, as taught by Tobin, in order to customized

marketing of consumer services through hypertext based communications, wherein the hypertext based communications is dynamically customized to take advantage of a consumer's existing familiarity with a specific Internet site marketing partner (Tobin, col. 2, lines 50-55).

Regarding claims 19-21 and 30-31, Bednarck discloses a system for providing an on-line directory of providers by which buyers contact the providers with request for proposals through the creation of a web community with partner web sites comprising: a data sharing engine to collect, store, and control access to the request for proposals (col. 25, lines 52-58; col. 29, lines 33-39; col. 30, lines 10-24; col. 31, line 64 - col. 32, line 11); a subscription sales processor to provide subscribers a termed presence in the system (col. 32, lines 37-46; col. 68, lines 1-5); a request brokering engine to communication (col. 14, lines 2-4; col. 21, lines 65-67; col. 38, lines 61-65; col. 84, lines 16-51); a geographic radius searching engine (col. 23, lines 5-11; col. 26, lines 24-28); a search result positioning mechanism (col. 29, lines 25-29); and access to the request for proposals (col. 29, lines 24-25; col. 25, lines 52-58; col. 29, lines 33-39; col. 30, lines 10-24; col. 31, line 64 - col. 32, line 11).

However, Bednarck does not explicitly disclose the partner web sites; a database that stores data from partner web sites; a private label interface and a partner parent site to link a user to the private label interface; a company profile. Bednarck does disclose co-branding and providing hardware and software features to promote the sponsor's business (col. 21, lines 65-67). Bednarck discloses a common brand model wherein the merchant benefit from association with the common brand and also benefit

from the attraction of the content provided by the operator of the common brand (col. 82, lines 13-39) and a web host model wherein the merchant control the content of their own pages and can operate a retail system independent of the system operator through these pages (col. 83, lines 43-57).

Tobin, on the other hand, teaches the partner web sites; a database that stores data from partner web sites; a private label interface and a partner parent site to link a user to the private label interface; a company profile; a site branding system; a partner management tool to edit; a brand distribution service to publish modifications; and a partner branding framework to construct branding attribute objects (col. 3, lines 32-36; col. 7, lines 12-31; col. 9, lines 6-51; Figures 21A-21C).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to the apparatus of Bednarck, to include the partner web sites; a database that stores data from partner web sites; a private label interface and a partner parent site to link a user to the private label interface; a company profile, as taught by Tobin, in order to customized marketing of consumer services through hypertext based communications, wherein the hypertext based communications is dynamically customized to take advantage of a consumer's existing familiarity with a specific Internet site marketing partner (Tobin, col. 2, lines 50-55).

Regarding claims 22-26, Bednarck discloses the request notification mechanism generates targeted communication to providers when a new request for proposal is posted; the request aging process mechanism communicates with buyers when a buyer's request for proposal is expire and when out-of-date requests for proposals are

note acted upon by buyers; the targeted communication to providers when a new request for proposal is posted includes means for accessing the newly posted request for proposal; the request notification mechanism further generates a communication to buyers when a provider submits a response to the buyer's request for proposal; wherein the object catalog manager maintains information regarding the web community (col. 29, lines 24-25; col. 25, lines 52-58; col. 29, lines 33-39; col. 30, lines 10-24; col. 31, line 64 - col. 32, line 11; col. 41, lines 15-17; col. 38, lines 61-65; col. 84, lines 16-51).

Claims 8 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,965,868 to Bednarck and U.S. Patent No. 6,141,666 to Tobin in further view of U.S. Patent No. 7,058,704 to Mangipudi et al.

Bednarck and Tobin substantially disclose the claimed invention, however, the combination does not explicitly disclose a qualified farm of load-balanced servers incorporating and a load-balanced farm of web servers.

Mangipudi, on the other hand, teaches a qualified farm of load-balanced servers incorporating and a load-balanced farm of web servers (col. 3, lines 12-49; col. 5, lines 36-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to the combination, to include a qualified farm of load-balanced servers incorporating and a load-balanced farm of web servers, as taught by Mangipudi, in order to handle many different kinds of transactions (col. 4, lines 35-36), thus providing detailed information about the specific "virtual host" to which the request pertained (Mangipudi, col. 4, lines 42-44).

Claims 9, 15, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,965,868 to Bednarck and U.S. Patent No. 6,141,666 to Tobin in further view of U.S. Patent No. 5,991,739 to Cupps et al.

Bednarck and Tobin substantially discloses the claimed invention, however, it does not explicitly disclose GeoCode table relating latitude and longitude information and to generate unique longitude and latitude coordinates. The combination

Cupps, on the other hand, teaches GeoCode table relating latitude and longitude information and to generate unique longitude and latitude coordinates (col. 6, lines 31-44).

Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include GeoCode table relating latitude and longitude information and to generate unique longitude and latitude coordinates, as taught by Cupps, in order to determine a buyers specified geographic area is within a particular area of service (Cupps, col. 6, lines 19-21).

Response to Arguments

Applicant's arguments with respect to claims 7-31 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 1, 4 and 6 are allowed.

As per claim 1:

The following is an examiner's statement of reasons for allowance: The prior art of record neither disclose or fairly suggest assigning means denoting a weighted importance to provider characteristics associated with each subscribing buyer and seller using object affiliations to indicate a level of presence each object is given in the directory, wherein the level of presence is based upon company profile, search result positioning and access to Requests for Proposals to afford each subscribing buyer and seller to be listed in multiple brands. The prior art discloses or suggests elements of the invention but not the above limitation. The respective dependent claims are allowable as depending from allowable independent claims.

The best prior art of record, Rinehold et al. discloses an online interactive system which comprises a business referral and income generation system linked to one or more listed websites of businesses in a particular locality or geographical area.

Conclusion

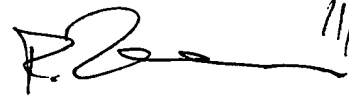
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mtot
November 7, 2006

 11/8/06
F. RYAN ZEENDER
PRIMARY EXAMINER